

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	3.3.16
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	April 4, 2003
<b>SUBJECT</b>	Sediment Pond Effluent Limits/Removal Pre-bond Reduction Inspections	<b>Section</b>	Enforcement
		<b>Last Revised</b>	

**OBJECTIVE AND INTENT:**

The Field Inspector will be pro-active in determining whether a sediment pond is eligible for post reclamation effluent limitations and removal; as well as, to ensure that all necessary steps or measures have been taken to expedite the review of bond reduction/release applications.

**PROCEDURES:**

**Sediment Pond(s) -**

**This procedure will eliminate the need for a permit revision to change a sediment pond’s effluent limitations (post-reclamation) and for removal of the structure.**

Once the drainage area served by a sediment pond has been regraded and seeded in accordance with the approved permit plans, the Inspector will evaluate the complete inspections and monitoring data (submitted by the permittee) to determine whether an effluent discharge problem exists for the structure.

**If the data indicates no effluent non-compliances or problem discharges from the pond for at least the past six months**, the Inspector will inform the permittee that water sampling frequency requirements will be reduced to once per month and that only post reclamation parameters will be required to be monitored (pH and settleable solids). All other NPDES permit conditions will remain unchanged. The Inspector will document in the inspection report the evaluation of the water quality data, regrading, seeding, any other relevant site conditions, and instructions regarding monitoring requirement changes. The Inspector will indicate on the report that a “plan modification” (code **PM**) has been made. (Changes to the Division’s computer records will follow the updating procedures described below.)

The Inspector will monitor the vegetation success for the drainage area served by the pond and water discharges (Inspector’s samples and company’s monitoring), documenting this information in the complete inspection reports. Once vegetation appears adequate (as required by the approved plans - minimum of 2 years) and the water monitoring data indicates no effluent non-compliances or problem discharges, the Inspector should advise the permittee to perform a vegetative survey as a preliminary step towards eventual pond removal. When vegetative cover is determined to be adequate for pond removal, the Inspector should schedule an onsite meeting with the permittee/operator to determine a timetable for removing the pond (usually within 90 days of the site meeting). The Inspector may request the assistance of the engineering or water quality specialists at this meeting to determine whether the structure may be removed. The Inspector shall document the discussions or agreements in the inspection report.

The Inspector should document the status of the pond removal in the ensuing complete inspection reports. The Inspector should note any circumstance or situation that may delay pond removal beyond 90 days. If upon expiration of the agreed pond removal timetable (with any extensions), the Inspector notes that the pond has not been removed, enforcement action to cause removal may be issued (see Procedure 3.3.01).

When the pond is removed (eliminating the NPDES monitoring point), the Inspector shall document the pond removal and the underlying evaluation of the water quality data, revegetation success of the drainage area, and the current site conditions in the inspection report. The report shall state that a “plan modification” (code **PM**) has occurred. (Changes to the Division’s computer records will follow the updating procedures described below.)

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**NPDES Permit System and Laptop Enforcement Program Updates –**

When the sediment pond is removed, the Inspector will update the permit pond data on the laptop enforcement program (Enforcement Certification Information Field data) by entering the completed date (DEL-DELETED FROM PERMIT). (This will keep the pond from being included when the next electronic permit data dump is made.)

The Inspector shall e-mail a tif image of the inspection report to the Water Quality Section when it is determined that:

- the monitoring frequency and parameters monitored of a sediment pond have been revised, and
- a sediment pond has been removed and the NPDES discharge point is eliminated.

The inspection report shall document changes in the water quality data by use of the following table:

MPID#	Outfall #	Date Reduced	Date Deleted

Upon receipt of the inspection report, the Water Quality Section will review the applicable inspection report and update the appropriate NPDES records (Dynaterm) by entering the monitoring changes or ending date of the NPDES discharge point.

**Pre-bond Reduction/Release Inspections –**

The Inspector may arrange an onsite meeting with the permittee/operator, Area Supervisor, and any necessary technical personnel for the purpose of determining whether the company needs to perform any work or submit a revision that would facilitate bond reduction or release. This may include, but not be limited to, a PHC evaluation, need of a vegetative survey, barrier stability analysis, etc.

For areas eligible for Phase 2 or 3 bond reduction, it is to the company's advantage that a vegetative survey be conducted and available for review during the site visit. (The survey could be prepared to indicate the vegetation success when the sediment ponds were removed.)

In the event that a permittee is in bankruptcy or no longer active in mining and reclamation operations, the Inspector (with assistance of the Ecologist or other qualified DMLR personnel) may conduct the vegetative survey, if it has not been previously prepared.

Once the postmining land use has been adequately established, the Inspector should encourage and work with the permittee to prepare the appropriate bond reduction/release application and schedule a date for submittal to the Division.

The status of the bond reduction/release application should be documented in the subsequent inspection reports. The Inspector should note any circumstance or situation that may delay submittal of the reduction/release application.

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